

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 8/25/2020

CAMEAN PARKER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

19-CV-7139 (RA)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Plaintiff Camean Parker brings this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security’s decision denying his application for disability insurance benefits. Before the Court is the July 31, 2020 Report and Recommendation of the Hon. Sarah Cave (the “Report”), which recommends granting Plaintiff’s motion for judgment on the pleadings, denying the Commissioner’s cross-motion for judgment on the pleadings, vacating the Commissioner’s decision denying benefits to Plaintiff, and remanding this action for further administrative proceedings. *See* Dkt. 23. Neither party filed objections to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* Report at 29-30 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*,

388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As no objections to Judge Cave’s thorough and well-reasoned Report were filed, the Court reviews the Report for clear error. After careful review of the record and exhibits submitted with the complaint, the Court finds no error and thus adopts the Report in its entirety. Accordingly, Plaintiff’s motion for judgment on the pleadings is granted, the Commissioner’s motion for judgment on the pleadings is denied, the Commissioner’s decision denying benefits to Plaintiff is vacated, and this action is remanded to the agency for further administrative proceedings.

The Clerk of Court is respectfully directed to terminate the motions pending at Dkts. 15 and 20 and close this case.

SO ORDERED.

Dated: August 25, 2020
New York, New York



Ronnie Abrams
United States District Judge